

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BRUCE FRANCIS, JR.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	
EXCEL SECURITY SERVICES INC.	)	
	)	1:17-cv-5663
Defendant.	)	
	)	
	)	

**COMPLAINT**

The Plaintiff, Bruce Francis, Jr. (“Mr. Francis”), for his Complaint against the Defendant, Excel Security Services Inc. (“Excel”), states as follows:

**NATURE OF THE CASE**

1. This is an action arising under the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101, et seq. (the “ADA”) arising from Excel’s failure to provide Mr. Francis with a reasonable accommodation as the ADA requires.

**JURISDICTION AND VENUE**

2. The Court has subject matter jurisdiction of this case pursuant to 28 U.S.C. § 1332 because the case arises under a Federal statute.

3. The Court has personal jurisdiction over the Defendant because the cause of action asserted herein arises from Defendant’s operations in the State of Illinois.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Mr. Francis’ claim occurred in this jurisdiction.

**PARTIES**

5. Mr. Francis is an individual who resides at 3055 Caton Farm Road, Joliet, Illinois 60431. He is a former employee of the Defendant.

6. Defendant Excel is an Illinois Corporation having its principal place of business at 11106 S. Troy, Chicago, Illinois 60655. Excel provides security guard and patrol services.

**FACTS**

7. Mr. Francis became employed by Excel as a Security Officer in November of 2015. Mr. Francis was a good employee who was never disciplined.

8. Unfortunately, Mr. Francis developed pancreatic cancer that required surgery. He informed Excel of this and his need to take an unpaid leave in order to have the surgery and recover. He informed Excel that he would return to work no later than June 1, 2016.

9. Excel indicated that it approved of Mr. Francis' leave request.

10. Mr. Francis commenced his leave on or about March 30, 2016.

11. Mr. Francis recovered sooner than expected and offered to return to work on or about May 1, 2016.

12. Excel denied Mr. Francis' desire to return to work and wrongfully terminated his employment.

13. Under the Americans with Disabilities Act, an employer cannot terminate an employee if the employee can continue to do his job with a reasonable accommodation.

14. Unpaid leave under the circumstances present in this case was a reasonable accommodation.

15. Accordingly, Excel improperly terminated Mr. Francis instead of allowing him the short leave he needed to heal after battling cancer.

16. On or about August 24, 2016, Mr. Francis filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (the “EEOC”), which was numbered Charge No. 440-2016-05515.

17. On or about May 23, 2017, the EEOC issued a Right to Sue Letter.

### **COUNT I**

#### **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT**

18. Mr. Francis incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

19. Mr. Francis was a qualified individual with a disability because had Excel not wrongfully terminated him, he could have returned to work and performed the essential functions of his position as a Security Officer.

20. Mr. Francis was disabled while on leave because he was unable to work from the time he had cancer surgery until the time he offered to return to work.

21. Excel was aware of Mr. Francis’ disability because he informed Excel that he would be undergoing cancer surgery and that he would need to be on unpaid leave as a result until approximately June 1, 2016.

22. Excel failed to reasonably accommodate Mr. Francis’ disability because instead of allowing him a reasonable leave to recuperate, it wrongfully terminated him when he offered to return to work in a timely manner.

**JURY DEMAND**

23. Mr. Francis demands a trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, based on the foregoing, Mr. Francis respectfully requests this Court to award the following relief:

- A. Enter judgment in favor of Mr. Francis;
- B. Award Mr. Francis back pay, front pay, compensatory damages, and punitive damages;
- C. Award Mr. Francis his costs, interest and reasonable attorney fees; and
- D. Award Mr. Francis such other relief as this Court deems proper.

Dated this 3<sup>rd</sup> day of August, 2017.

Respectfully Submitted,

BRUCE FRANCIS, JR.

By His Attorney,

/s/ Michael F. Tomasek  
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I, Michael F. Tomasek, an attorney, certify that I filed the foregoing Complaint through the ECF system on the 3rd day of August, 2017.

/s/ Michael F. Tomasek

Michael F. Tomasek